THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 19473 of 2004

DATE: 6-10-2005

Between:

T. Jitender Prasad S/o Satyanarayana Swamy,
R/o Kodagattu Malyal Mandal, Karimnagar District

..... PETITIONER

AND

1 The Commissioner of Endowments Boggulakunta, Tilaknagar, Abids Hyderabad & Others.

.....RESPONDENTS

THE HON'BLE MR. JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 19473 of 2004

ORDER:

Questioning, the proceedings in Rc. No. G1/51315/2002, dated 25.8.2003

passed by the 1st respondent in holding that the 4th respondent had a better claim over the petitioner and in granting relaxation of age for the 4th respondent to enable him to hold the post of "Sthanacharya" and the consequential proceedings issued by the 2nd respondent, vide proceedings dated 11.10.2004, and the proceedings issued by the 3rd respondent dated 13.10.2004 directing the 4th respondent to resume charge of Sthanacharya-Grade-II with immediate effect and in directing the petitioner to discharge his duties and functions as Archaka of Sri Anjaneya Swami Devasthanam, Kondagattu, Karimnagar District granting him the regular scale of pay of Archaka from 1.4.2002, as illegal, arbitrary, contrary to the provisions of the Endowments Act and the rules made thereunder, the present writ petition is filed.

Facts, to the extent necessary for this writ petition, are that the petitioner was appointed as Sthanacharya, of the 3rd respondent-temple, vide proceedings dated 19.9.2001. Appointment to the post of Sthanacharya was earlier governed by the "Archakas and other Office Holders and Servants Qualifications and Emoluments Rules, 1987", which were notified in G.O. Ms. No.1171, Revenue (Endowments-1), dated 16.12.1987. Pursuant to his appointment, the petitioner is said to have discharged his functions as Stanacharya. It is the case of the petitioner that he is a Post Graduate in Telugu and had studied Sanskrit, which is one of the subjects in Post Graduation and that he had passed "Pravara" examination prescribed by the Department of Endowments for holding the post of Sthanacharya.

The 4th respondent, in the present writ petition, who was working as the Upa Pradhana Archaka in the temple, is said to have filed a representation before the 1st respondent based on which the 1st respondent, vide proceedings dated 23.9.2002, directed the 3rd respondent to revert the petitioner to the post of Archaka and nullified appointment of the petitioner as Sthanacharya. Consequently, the 3rd respondent, vide proceedings dated 27.9.2002, is said to have directed the petitioner to discharge the duties and functions as Archaka in the temple. While the rules governing appointment to the post of Sthanacharya, when the petitioner was appointed to the said post on 19.9.2001, were the Rules notified in G.O. Ms. No.1171, dated 16.12.1987, subsequently, these Rules were repealed and substituted by the Rules notified in G.O. Ms. No. 261, dated 20.5.2002.

Aggrieved by the order of the respondents in nullifying his appointment as

Sthanacharya and seeking a direction that he be permitted to work as Archaka, Writ Petition No. 19132 of 2003 was filed before this Court and, by order dated 3.4.2003, the impugned order of the Commissioner of Endowments dated 23.9.2002 was set aside. The Commissioner was directed to hold a *denovo* enquiry, decide the matter in accordance with law, and to pass appropriate orders after affording reasonable opportunity to the petitioner, the 4th respondent herein (3rd respondent in W.P. No. 19132 of 2003) and other persons affected, if any, within a period of two months from the date of receipt of a copy of the order and till then status-quo existing as on the date of the said order was directed to be continued.

The Commissioner, vide proceedings dated 25.8.2003, (order impugned in this writ petition), after hearing the counsel for the petitioner and the 4th respondent, considered the matter as per the records, the seniority and qualifications acquired by each of them, and held that the 4th respondent was senior among the Archakas, had qualified for the post in the year 1999 itself having passed Pravara examination, while the petitioner had passed it only in the year 2002, and, therefore, the claim of the petitioner was inferior and that the 4th respondent had better claims. Since the 4th respondent was then aged about 52 years and since the Rules provided for relaxation of age, the Commissioner exercised the Special Powers under Rule 15 and granted relaxation of age in his favour.

The 2nd respondent, vide proceedings dated 11.10.2004, while drawing the attention of the 3rd respondent to the proceedings of the 1st respondent dated 25.8.2003, requested him to implement the said orders of the Commissioner dated 25.8.2003 and to send the compliance report. Pursuant thereto the 3rd respondent, vide proceedings dated 13.10.2004, after holding that the 4th respondent was entitled to hold the post of Sthanacharya, as recorded in the Section 43 Registration Book, directed the 4th respondent to resume charge of Sthanacharya Grade-II with immediate effect and fixed his salary in the Pay Scale of Rs. 6350-200-7150-250-8400-300-9900-350-11650-450-13000 in accordance with G.O. Ms. No. 261, dated 20.5.2002 in the establishment of Sri Anjaneya Swamy Devasthanam, Kondagattu, Karimnagar District, with effect from 13.10.2004 and the Upa Pradhana Archaka Scale (Revised) Rs.5000-150-5300-170-6150-200-7150-250-8400-300-9900-350-10600 with effect from 1.4.2002. The 3rd respondent also passed orders converting

the petitioner as Archaka and directed that he discharge the duties and functions as an Archaka in Sri Anjaneyaswamy Devasthanam, Kondagattu, Karimnagar District in the scale of pay of Rs. 3290-80-3450-100-3950-120-4550-150-5300-170-6150-200-6550 from 1.4.2002 onwards.

A Counter affidavit is filed, on behalf of the respondents, by the Commissioner of Endowments(1st respondent) wherein it is stated that the cadre strength of the Religious Staff of the temple, as fixed by the Endowments Department, consisted of 15 Archakas in different grades. It is stated that at the time of abolition of the Hereditary Archakatvam, the 4th respondent was the second Archaka, was the Upa Pradhana Archaka, was looking after the services of Sthanacharya, as recorded in the Section 43 Register, and as there was no post sanctioned by the Commissioner in his proceedings Rc. No. D3-52711/98, dated 7.8.1999, no specific post of Sthanacharya came to light and as such the 4th respondent was working as Upa Pradhana Archaka and was continued as Sthanacharya as per the proceedings of the Executive Officer since 1985. It is further stated that despite there being no post of Sthanacharya, the then founder Trustee, Sri T. Satyanarayana Swamy, with a view to promote his son who was junior to five other Archakas in different cadres, had created such a post. Aggrieved by which the 4th respondent is said to have approached the 1st respondent with a petition. The 1st respondent passed order dated 23-09-2002 to the effect that, since the 4th respondent was discharging duties as a Sthanacharya from 1985, all other Archakas were supporting his claim as senior to that of the petitioner, he was keeping up the dignity and status of the temple in all festivals and since the Gram Panchayat, Mutyampet had also appreciated the services of the 4th respondent, it was necessary to continue him as Sthanacharya. Proceedings dated 23.9.2002 were issued nullifying the previous orders appointing the petitioner as Sthanacharya, consequent to which, the Executive Officer (3rd respondent), is said to have reverted the petitioner as Archaka, vide proceedings dated 27.9.2002, in the light of G.O. Ms. No.261, Revenue (Endowments-I) Department dated 20.5.2002, as the post of Upa Mukhyaarchaka was deleted from the various grades of Archakas.

The order of this Court in W.P. No.19132 of 2002 is referred to in the counter affidavit and it is stated that in obedience with the orders of this Court, the 1st respondent had issued notices, both to the petitioner and the 4th respondent, and on

receipt of their claims through their respective counsel and after perusal of the relevant record submitted by the Executive Officer, had decided that the 4th respondent was senior among all the Archakas and was qualified for the post of Sthanacharya in the year 1999 itself having passed Pravara examination which was the requisite qualification for holding the post of Sthanacharya, while the petitioner had passed the above examination only in the year 2002, that the claims of the petitioner were inferior to that of the 4th respondent who had better claims and therefore relaxation of age was to be granted in terms of Rule 15 of G.O. Ms. No.261, dated 20.5.2002. It is stated that the petitioner had high handedly obtained the post of Sthanacharya with the help of his father who was then the founder member, suppressing the fact of the seniority of the 4th respondent and four other Archakas above him. It is further stated that when the petitioner was appointed as Sthanacharya, his father was the founder trustee of the temple and in order to help his son, who was then working as Upa Mukhya Archaka in the temple, had misused his powers and passed a resolution on 5.7.2001 suppressing the fact recorded in the Section 43 Register relating to the subject temple which was approved by the Commissioner in proceedings dated 18.3.1996. It is stated that this illegal act of the then founder trustee was only with an intention to help his son, the petitioner herein, though the undisputed fact was that the 4th respondent stood at Sl. No.2 in the seniority list of all the religious staff working in the temple, was working as Upa Pradhana Archaka and was recorded as the Sthanacharya against the relevant columns in the Section 43 register. It is further stated that the 4th respondent is well versed and fully acquainted with the traditions and sampradayams of Sri Chattada Srivaishnava Agama to which the temple belongs and he was senior most among the staff working in the said temple. It is stated that the then founder trustee had suppressed, this undisputed recorded fact, with the sole intention to help his son and had taken steps to have the petitioner appointed as Sthanacharya of the temple. It is stated that the petitioner was inducted as Archaka after completing his college education in 1998 from Sri Ramachandra Arts and Science College, Hyderabad, whereas the 4th respondent had been working two decades prior to the date on which the petitioner joined the service of the temple as an Archaka. It is further stated that earlier when the Commissioner visited the Sri Anjaneya Swamy Temple on 11-2-2004, he had called for all the Archakas and obtained their views/willingness on the appointment of Sthanacharya and the eligibility of the two

Archakas for the said post. The Commissioner felt that none of the Archakas were in favour of the petitioner and as per the statements recorded by the Deputy Commissioner, in the presence of the Commissioner, all the Archakas were in favour of the 4th respondent. It is also stated that the petitioner and the 4th respondent had agreed to abide by any decision taken by the Commissioner and the matter was deferred for a period of six months so as to watch the services of these two Archakas. Thereafter, the original findings of the Commissioner were communicated with instructions to the Executive Officer to implement the orders passed by the then Commissioner and accordingly the orders were implemented continuing the 4th respondent as Sthanacharya and reverting the petitioner as Archaka in terms of G.O. Ms. No. 261, dated 20.5.2002. It is stated that the institution is run by hereditary Archakas with three main shares of 25% and two sub shares of 12.5% each and the families are divided and sub-divided for Archakatvam. It is stated that the function of the Sthanacharya is to conduct Utsavams in the temple duly participating in the festivals as per the custom and usage of the temple, that the 4th respondent was designated as Upa Pradhana Archaka due to his long length of service and was discharging his duties as Upa Pradhana Archaka and Sthanacharya also. Petitioner's contention that he possessed the requisite qualifications, experience and eligibility for being considered for the post of Sthanacharya is denied. It is stated that the 4th respondent had acquired the prescribed qualification of "Pravara" in the year 1999 itself, whereas the petitioner had passed the above test only in the year 2002, that the petitioner had suppressed the fact that the 4th respondent was qualified and had knowledge of Sanskrit, that the 4th respondent was fully qualified and eligible to be appointed to the post of Sthanacharya and it is after considering these aspects that the 1st respondent had passed orders directing the 3rd respondent to appoint the 4th respondent as the Sthanacharya in view of his superior claim over and above that of the petitioner. It is stated that the 4th respondent had taken charge as Sthanacharya Grade – II on 13.10.2004 as per the order of the Executive Officer in Rc. No. A/199/2001, dated 13.10.2004.

A counter affidavit is filed by the 3rd respondent wherein it is stated that the father of

the petitioner, Sri T.Satyanarayana Swamy was earlier working as the Archaka of the temple and later became the founder trustee of the temple and that the petitioner was appointed as an Archaka in place of his father on the basis of hereditary rights. It is stated that the 1st respondent had sanctioned the post of Sthanacharya on the basis of the report of the then Executive Officer and on the suggestion of Peethadipathis. After the post of Sthanacharya was sanctioned, the petitioner was erroneously appointed as Sthanacharya on 12.6.2001 even though he did not possess the qualifications required for the post. Reference is made to the Rules issued in G.O. Ms. No.1177, dated 16.12.1987 wherein the qualifications prescribed for the post of Sthanacharya, is pass in Pravara or equivalent examination of the relevant Agama; possessing good knowledge of the Sampradaya of the concerned institution; and ability to guide Archakas in the performance of daily rituals and festivals and ceremonies. It is contended that since the petitioner did not pass Pravara or its equivalent examination, he was not entitled to hold the post of Sthanacharya and as he was appointed as Stanacharya he was reverted to the post of Archaka on 27.9.2002. Reference is made to the order of this Court in writ Petition No. 19132 of 2002 and the subsequent orders passed. The 3rd respondent would submit that the 4th respondent stands at Sl. No.2 in the seniority list amongst the religious staff working in the temple and that the name of the 4th respondent was recorded as Sthanacharya in the Section 43 Register. It is also stated that the 4th respondent is working as Archaka in the temple for the last two decades whereas the petitioner was inducted as Archaka, after the cadre strength was fixed by the Commissioner, vide Proceedings dated 7.8.1999.

In his counter affidavit, the 4th respondent states that the Sri Anjaneya Swamy Devasthanam situated at Kondagattu Village, Miryal Mandal, Karimnagar District is one of the 24 major temples in Andhra Pradesh, whose administration is looked after by the Executive Officer, who is in the cadre of Deputy Commissioner, besides the founder trustee of the temple. The 4th respondent would state that he had been working as Archaka in the temple for the past two decades and by proceedings dated 14.8.1985, the then Executive Officer of Sri Anjaneya Swamy Devasthanam, Kondagattu Shivar, Mutyampadu Village, Malyal Mandal, Karimnagar District had appointed him to act as Sthanacharya of the temple as he was the senior most Archaka of the temple and since then he has been performing Aradhana and

Utsavalu as per the customs of the temple with utmost devotion. The Executive Officer, vide proceedings dated 1.4.1996, is said to have approved the petitioner's appointment as Sthanacharya as his name was shown as Sthanacharya in the Section 43 Register. Reference is made to the Rules governing appointment of Sthanacharya and it is contended that while the 4th respondent is at Sl. No.2 in the seniority list of Archakas and is shown as Upa Pradhana Archaka, the petitioner was at Sl. No.6. It is stated that the Deputy Commissioner had sanctioned one post of Sthanacharya, in the scale of pay of Rs. 2500-4620, cancelling the post of Upa Mukhya Archaka. Sri T.Satyanarayana Swamy, petitioner's father and one of the founder trustees, suppressed the fact that the 4th respondent was the senior most Archaka qualified to be appointed as Sthanacharya in the only sanctioned post, had in fact functioned as Sthanacharya from 1985 onwards and had instead got the petitioner appointed, as Sthanacharya, vide proceedings dated 19.9.2001. The 4th respondent's representation, dated 24.6.2002, to the Commissioner resulted in proceedings dated 23.9.2002 cancelling appointment of the petitioner as Sthanacharya and the Executive Officer was directed to take action as per Rules. It is stated that on his reversion, the petitioner joined the said post of Archaka and continued in service for 20 days and had also drawn salary in the lower category, and that the 4th respondent is the second senior most Archaka in the temple and was appointed as Upa Pradhana Archaka in the scale applicable to a superintendent; whereas the petitioner was at Sl. No.6 and was shown as Upa Mukhya Archaka equivalent to that of an L.D.C. It is stated that while the 4th respondent had passed the Pravara examination in 1999 on his being appointed as Sthanacharya and was continued in the said post till 2001, the petitioner was appointed as Sthanacharya on 17.9.2001, without taking into consideration the seniority and the qualification not only of the 4th respondent, but of all other employees in the temple. It is stated that the petitioner was picked from Sl. No.6 of the seniority list, excluding all other seniors, for being appointed as Sthanacharya and on the date on which the petitioner was appointed as Sthanacharya, vide proceedings dated 19.9.2001 of the Commissioner, he did not even pass the Pravara examination and was therefore not qualified for appointment. It is stated that the earlier appointment of the petitioner as Sthanacharya was due to his father Sri T.Satyanarayana Swamy passing a resolution dated 5.7.2001, basing on which the Executive Officer had recommended that the petitioner be appointed as

Sthanacharya and the then Commissioner, without taking into consideration the seniority and competing interests of other Archakas, had appointed the petitioner as Sthanacharya without any enquiry. It is stated that the petitioner is nearly 20 years junior to the 4th respondent, has far less experience as Archaka in the temple and could not have been appointed as Sthanacharya in the place of 4th respondent, more so, when the 4th respondent has experience in the Sampradayams of the subject temple and is alone entitled to be appointed as Sthanacharya. It is stated that 18 Archakas/ Paricharikas, who have been working in the temple apart from the petitioner and respondent No.4, had deposed before the Commissioner that the 4th respondent was alone eligible to be continued as Sthanacharya of the temple, that the petitioner was ineligible and could not be continued contrary to the claim of the 4th respondent. Affidavits of a few of these persons are filed in this regard. It is stated that no reasons are forthcoming as to why the petitioner should be picked and chosen for appointment to the post of Sthanacharya ignoring the claims of all other Archakas including the 4th respondent. It is stated that while the petitioner had passed Pravara examination in the year 2002, all others had passed the said examination much prior thereto, and the 4th respondent had passed the examination as early as in 1999. It is stated that pursuant to the orders of this Court, the 1st respondent had verified the entire records and on finding that the 4th respondent had worked as Sthanacharya even before 1996 and that he was the senior Archaka of the temple when compared to the petitioner, declared that the 4th respondent was more eligible to be appointed as Sthanacharya and passed orders appointing him as such, duly relaxing the requirement of age as prescribed in the Rules in G.O. Ms. No.261. It is stated that the 4th respondent took charge as Sthanacharya of the temple on 13.10.2004 and has been performing daily poojas, rituals and ceremonies which were held during the Dasara period and that the petitioner, on his being reverted to the post of Archaka, was functioning as such from 13.10.2004.

In his reply affidavit, the petitioner would submit that one post of Sthanacharya was sanctioned in the Scale of pay of Rs.2500-60-2980-70-3480-80-4080-90-4650 and the single post of Upa Mukhyaarchaka was cancelled and the petitioner, who was working as Upa Mukhyaarchaka, was appointed as the Sthanacharya. It is stated that on the relevant date, when the petitioner was appointed as Sthanacharya, the Rules notified in G.O. Ms. No. 1171, dated 16.12.1987 governed the field, that the

post of Sthanacharya is not a promotion post from the post of Archaka and that the Commissioner having been satisfied that the petitioner possessed the qualifications, and considering the letter of Sri Venkataramanuja Jeer and pradhana archaka of Melkote of Karnataka, appointed the petitioner as Sthanacharya. Petitioner would submit that appointment to the post of Sthanacharya under the earlier rules, is by way of direct recruitment and not by promotion. It is contended that the rules, notified in G.O. Ms. No.261, dated 20.5.2002, has no application since appointment of the petitioner as Sthanacharya was prior there to. It is contended that the age prescribed for Sthanacharya was 38 years and that Rule 15 was invoked in favour of the 4th respondent though he was aged 52 years. It is contended that pursuant to the orders of this Court, in Writ Petition No.19132 of 2002, the Commissioner ought to have examined:

1. Whether the petitioner was qualified for appointment to the post of Sthanacharya as on 15.9.2001 when the earlier Commissioner had approved the appointment holding that he had the requisite qualification and on the advice of Sri Jeeyar Swamy and Pradhana Archaka of Melkote ?

2. Whether there was any suppression of fact ?

3) Whether a person who was directly appointed to the post of Sthanacharya could be reverted to the post which stood cancelled ?

Petitioner would contend that if he had been appointed without necessary qualification as Sthanacharya by the Executive Officer, necessary action ought to have been taken against the Executive Officer for appointing a person who did not possess the requisite qualifications. It is stated that the Rules provide for promotions from Sthanacharya Grade–III to Grade-II and Grade-I and there is no channel of promotion from Archaka to Sthanacharya. It is stated that the 4th respondent has only the qualification of H.S.C. and has no knowledge of Sanskrit; whereas one of the qualifications prescribed for the post of Sthanacharya is good knowledge of Sanskrit and sampradaya of the concerned institution. It is contended that the claim of the 4th respondent cannot be compared with the petitioner since his appointment was based upon the advice of Sri Jeer Swamy and Pradhana Archaka of Meklote. It

is contended that the records would reveal that there is no sanctioned post of Sthanacharya prior to the petitioner's appointment and as such the question of considering the relative merits of the petitioner and the 4th respondent would not arise. It is stated that the petitioner's appointment as Sthanacharya was on the basis of his qualifications, performance of Bhairava Pratishta and on the advice of Sri Jeer Swamy and Pradhana Archaka of Malkote and not on the basis of his work as Upa Mukhya Archaka, that even a person qualified for the post of Sthanacharya could discharge the function of Archaka, and that the 4th respondent has no knowledge of Sanskrit, let alone good knowledge. It is contended that "Pravara" was among the subjects in the Post Graduate course undergone by the petitioner, that the second part of the Post Graduate Course is in Sanskrit and in Sanskrit subject, one of the papers is "Pravara". It is stated that no Pravara examination was conducted by the Endowments Department between 1999 and 2002 because of which the petitioner could not pass the said examination earlier. Since the qualifications prescribed is Pravara, or its equivalent examination of the relevant Agama, and since the petitioner has adequate knowledge of Sri Vaishnava Agama Shastra, he was capable of performing Pratisthas and Kalyanothsavams etc., and had in fact performed 15 Pratishtas, he was fully qualified to hold the post of Sthanacharya. It is stated that even according to G.O. Ms. No.261, dated 20.5.2002, the petitioner has the requisite qualification as he passed the Pravara examination in May, 2002. Petitioner would submit that since appointment to the post of Sthanacharya is by way of direct recruitment, the question of his seniority vis-à-vis that of the 4th respondent does not arise. Petitioner would deny the allegations made against his father, Sri Satyanarayana Swamy, having adopted undemocratic methods and would contend that all these allegations are made only to prejudice this Court. Petitioner would submit that he knows Archakatvam ever since his birth, that his family members are founder trustees of the subject temple, Archakatvam is in his genes and that he used to help his father and others in Archakatvam as he was residing along with his parents. Petitioner would submit that he completed his college studies in May, 1997 and he, thereafter, joined as Archaka in the temple. It is stated that he had earlier worked during 1987-1990, after completion of his Intermediate Course, and again between 1993 and 1995. It is stated that the post which the petitioner held earlier on 15.9.2001 was cancelled and a new post was created, wherein he was appointed. Petitioner would submit that even at the time of his appointment on 15.9.2001 he possessed qualifications equivalent to that of

Pravara examination and had fulfilled the other qualifications prescribed; whereas the 4th respondent did not have qualification No.2 : “good knowledge of Sanskrit”. Petitioner would submit that since he discharged the functions of Sthanacharya from 19.9.2001 to 12.10.2004, he was entitled to be paid emoluments in the Grade of 7150-13000 instead of the grade of 2500-4620, and as the Rules in G.O. Ms. No.261, dated 20.5.2002 came into effect with effect from 20.5.2002, the petitioner was eligible to be paid the revised scales from 20.5.2002 till date.

Before dealing with the rival contentions, it is necessary to examine the statutory rules governing appointment to the post of Sthanacharya.

The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Archakas and other Office-holders and Servants Qualifications and Emoluments Rules, 1987 were notified in G.O. Ms. No.1171, dated 16.12.1987. These rules (hereinafter called the “1987 Rules”) were made in exercise of the powers conferred under Section 35(3) read with Section 153 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowment Act, 1987 (Act No.30 of 1987).

Rule 12 thereof provides that promotion of an Archaka, from one grade to the other within the category of the institution, shall be on the basis of seniority-cum-suitability. Rule 13 relates to other Office holders and Servants and provides that the common categories and the qualifications prescribed for the posts of other office holders and servants, in Charitable and Religious Institutions, shall be as shown in the table. The table prescribed in Rule 13, in relation to the post of Sthanacharya, reads thus:

Post (1)	Qualifications (2)
1. Sthnacharya	(i) Must pass the Pravara or equivalent examination of the relevant Agama;(ii) Must possess good knowledge of the Sampradaya of the concerned institutions; and(iii) Must be able to guide the Archakas in the performance of the daily service rituals and other festivals and ceremonies.

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Rule 5 relates to appointment of Archakas and Rule 12 relates to promotion of Archakas from one grade to the other. Rule 14 provides that archakas and other office holders and servants governed by the Rules under this part shall attain the age of superannuation on completion of 65 years. Rule 17 relates to age and under Sub-rule (1) thereof, no person shall be eligible for appointment to any post in Schedule-I if he has completed the age of 45 years as on 1st July of the year in which he was appointed and under Sub-rule (2) the Commissioner has been empowered to relax the upper age limit, in favour of any person, for being appointed to posts, as specified in Schedule-I, in such manner as may appear to him to be just and equitable. The post of Sthanacharya has been classified among the Other Office Holders and Servants.

I find considerable force in the submission of Sri Jogaiah Sharma, learned counsel for the petitioner that Rule 12 which relates to promotion of an Archaka from one grade to the other, would have no application to the post of Sthanacharya and in the absence of any procedure prescribed in the rules notified in 1987 Rules for promotion to the post of Sthanacharya, it must necessarily be held that appointment to the said post was only by direct recruitment from among persons who possess the qualifications of (1) a pass in the Pravara or equivalent examination of relevant Agama 2) good knowledge of samprayadam of the concerned institution; and 3) ability to guide the Archakas in the performance of daily service rituals, other festivals and ceremonies.

It is from among those, who possess the aforesaid three qualifications, can the post of Sthanacharya be filled up by direct recruitment. Since among the qualifications prescribed is knowledge of the Sampradayam of the concerned institution, it is necessary that the person directly recruited to the post of Sthanacharya must belong to the concerned institution or should at least have good knowledge of the Sampradayam of the said institution. While direct recruitment would enable any person, who possesses the requisite qualifications, to be considered for appointment to the post of Sthanacharya, that would not entitle any single individual to be picked and chosen. In the absence of any specific mode being prescribed in the rules, direct recruitment could have been resorted to only after giving adequate

publicity and inviting applications from all eligible candidates. No individual could have been picked and chosen for appointment by direct recruitment to the post of Sthanacharya even if he possessed the requisite qualifications, for, such pick and choose method would be in violation of Article 14 of the Constitution of India.

The 1987 Rules were superceded by the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Archakas and other Office Holders Servants Qualifications and Emoluments Rules, 2001(hereinafter referred to as "the 2002 Rules"), which was notified in G.O. Ms. No.261, dated 20.5.2002. Under the 2002 Rules, the post of Sthanacharya is one amongst the Other Office Holders and Servants category prescribed in Rule 10. The table given, under Rule 10, prescribes the method and qualifications, and reads as under:

Sl.No.	Name of the Post	Method of Recruitment	Qualifications	Age
1	2	3	4	5
	Stanacharya(a) Grade- I	By promotion fromGrade II		
	(b) Grade-II	(i) By direct recruitment(ii) By promotion from Grade-III	(i) Must have passed Pravara or equivalent examination of the relevant Agama;(ii) Must possess good knowledge of Sanskrit and the Sampradaya of the concerned institutions; and(iii) Must be able to guide the Archakas in the performance of the daily service, rituals and other festivals and ceremonies.	Must have completed the age of (30) years and must not have completed the age of (38) years for direct recruitment
	(c) Grade-III	By direct recruitment	(i) Must have passed Pravara or equivalent examination of the relevant Agama;(ii) Must possess good knowledge of Sanskrit and the Sampradaya of the concerned institutions; and(iii) Must be able to guide the Archakas in the performance of the daily service, rituals and other festivals and ceremonies.	Must have completed the age of (30) years and must not have completed the age of (38) years for direct recruitment

NOTE:

(a) Grade I & II: In respect of the temples published under Section 6(a) (ii) of the Act and the Executive Officer of the temple is of the cadre of Deputy Commissioner and above;

(b) Grade II and III: In respect of the temples published under Section 6(a) (ii) of the Act and the Executive Officers of the cadre of Assistant Commissioner or Ist Grade Executive Officer as the case may be; and

(c) Grade III: In respect of the temples published under Section 6 (b) (ii) of the Act. It shall not be incumbent on the Executive Authority to appoint any grade of Stanacharya unless there is necessity with the specific permission of the Commissioner.

While the appointment of Sthanacharya Grade-II is both by way of direct recruitment and by promotion from Grade III, the method of recruitment for the post of Sthanacharya Grade-I is only by promotion from Grade II and the method of recruitment to the post of Sthanacharya Grade-III is only by way of direct recruitment from among persons who possess the qualifications prescribed therein. The additional prescription of qualifications for appointment to the post of Sthanacharya, under the 2002 Rules, as compared to the 1987 Rules, is that a person must possess good knowledge of Sanskrit also in addition to the qualifications prescribed earlier under the 1987 Rules. The age prescribed for appointment to the post of Sthanacharya is between 30 years and 38 years for direct recruitment. However, Rule 15 confers power on the Commissioner to relax the upper age limit in favour of any person for being appointed to the posts specified in Schedules I and II, in such manner as may appear to him just and equitable. The post of Sthanacharya Grades-I,II and III are specified at Sl. No.1 in Schedule-II of the 2002 Rules. The Commissioner has the power to grant relaxation of age, in favour of any person, for being appointed to the post of Sthanacharya Grade-II, if it appears to him to be just and equitable to do so.

The Government Pleader for Endowments, after placing records before this Court,

would submit that 18 Archakas of the temple had stated before the Commissioner that the 4th respondent was most suited for being appointed as Sthanacharya when compared to the petitioner. It is seen from the records and from the impugned order that the 4th respondent had passed the Pravara examination in the year 1999 whereas the petitioner had passed the Pravara examination in 2002. Both the 1987 Rules and the 2002 Rules prescribe Pravara or the equivalent examination of the relevant Agama as one among the three qualifications. While the petitioner did not possess the qualification of Pravara when he was appointed in 2001, he would contend that he had passed the equivalent examination of the relevant Agama. The records do not disclose the Commissioner as having prescribed any examination equivalent to that of Pravara. Be that as it may, while the records disclose that the Commissioner had found that the 4th respondent had passed Pravara examination before the petitioner and that 18 Archakas in the temple had stated before him that the 4th respondent was best suited for being appointed as Sthanacharya, the qualifications that were required to be satisfied for being appointed as Sthanacharya are not only a pass in Pravara and ability to guide Archakas in the performance of daily service rituals, other festivals and ceremonies, but also possessing good knowledge of Sanskrit and Sampradaya of the concerned institution. Appointment to the post of Sthanacharya Grade-II is also by way of direct recruitment and it is not one or two, but all the three qualifications which are to be fulfilled by a candidate before he is appointed to the post of Sthanacharya Grade-II. The order of the Commissioner and the records disclose his satisfaction that the 4th respondent had good knowledge of the sampradayam of Sri Anjaneya Swamy temple. However, both the impugned order and the records do not disclose the Commissioner having applied his mind to the question as to whether or not the 4th respondent possessed good knowledge of Sanskrit.

Sri A. Sudershan Reddy, learned counsel for the 4th respondent, would submit that Pravara examination itself is in Sanskrit and since the 4th respondent had passed the Pravara examination, which is held in Sanskrit, it must be deemed that he had good knowledge of Sanskrit. Sri Jogaiah Sarma, learned counsel for the petitioner, would however, refer to the reply affidavit filed by the petitioner and submit that the 4th respondent has no knowledge of Sanskrit, let alone, possessing good knowledge in the said subject.

The records further discloses that the comparative merits of only the petitioner and the 4th respondent were taken into consideration to decide as to who among the two should be appointed as the Sthanacharya.

While the method of recruitment for appointment to the post of Sthanacharya Grade-II is both by way of promotion and direct recruitment, promotion to the post of Sthanacharya Grade-II is from the category of Sthanacharya Grade III and since no person was appointed as Sthanacharya Grade-III in the subject temple the question of promotion to the post of Sthanacharya Grade-II does not arise. Appointment to the post of Sthanacharya Grade-II in the subject temple has necessarily to be made only by way of direct recruitment, in which event, all eligible and qualified candidates are required to be considered for appointment to the post of Sthanacharya Grade-II, in Sri Anjaneyaswamyvari Devasthanam, Kondagattu, Karimnagar District. It is not in dispute that there are Archakas in the temple, other than the petitioner and the 4th respondent, who also possess the requisite qualifications for being appointed to the post of Sthanacharya Grade-II, in which event, they should have been either intimated individually that the post of Sthanacharya is proposed to be filled up or a notification ought to have been issued inviting applications from all eligible candidates belonging to the said temple who possess the requisite qualifications. Admittedly, this procedure was not followed. While in 2001, the petitioner was picked and chosen for being appointed as Sthanacharya, in 2003, the petitioner and the 4th respondent were alone subjected to comparative evaluation for appointment to the post of Sthanacharya. Whether the 4th respondent possesses good knowledge in Sanskrit or not, is not for this Court to delve into. It is for the Commissioner to examine this aspect based on the evidence produced by the candidates concerned in support of their possessing the requisite qualifications. Since the second limb of the qualification, of the 4th respondent possessing good knowledge of Sanskrit, has not been examined by the 1st respondent and inasmuch as the candidature of all other eligible Archakas of Sri Anjaneyaswamy Temple, Kondagattu is also required to be examined for the purpose of appointment to the post of Sthanacharya, the impugned orders dated 11.10.2004 and 13.10.2004 are hereby set aside and the 1st respondent is directed either to issue a notification inviting applications for the post of Sthanacharya Grade-II or intimate all the eligible Archakas of the said temple individually of the proposal to fill up the said post and

after examining the qualifications and experience, of each of the applicants, to appoint the person best suited to hold the post of Sthanacharya Grade-II in Sri Anajaneyaswami Temple, Kondagattu, Karimnagar District. This exercise shall be completed and the post of Sthanacharya Grade-II shall be filled up within three months from the date of receipt of a copy of this order.

In the counter affidavits of the 1st respondent and that of the 4th respondent, it is stated that the 4th respondent has started functioning as Sthanacharya from 13.10.2004. Sri Jogaiah Sharma, learned counsel for the petitioner, would contend that despite the interim order passed by this Court, the orders were not given effect to.

The writ petition itself is now being disposed of. As this Court, in its earlier order passed in W.P.No.19132 of 2002, dated 3.4.2003, while remanded the matter to the Commissioner to decide the matter afresh, had directed status-quo to be maintained, there shall be a similar direction in the present writ petition also that status-quo, with regard to holding the post of Sthanachaya, as on today, shall be maintained till the Commissioner takes action to fill up the post of Sthanacharya Grade-II in accordance with the aforementioned directions.

The writ petition is accordingly disposed of. There shall however be no orders as to costs.

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RAMESH RANGANATHAN,J

DATE: 6th October, 2005

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